

foothills environment

GUIDELINE TO THE RULES

The *Footbills Environment* Rules apply to activities on *sites* within the *Footbills Environment* as shown on the *Human Environments* Maps. Most of the *Footbills Environment* Rules apply to “Any Activity” which may be proposed, although some rules apply only to “Residential Activities”, or only to “Rural Activities”, or only to “Non-Residential Activities”. These terms are defined in the *Plan* as follows:

- **“Residential Activity”** means the use of *land* or *buildings* by people for living accommodation (whether or not any person is subject to care or supervision), where those people voluntarily live at the *site* for a period of one month or more and will generally refer to the *site* as their home and permanent address, and includes baches and other similar private holiday accommodation, but excludes a *Temporary Activity* and a *Prohibited Activity*.
- **“Rural Activity”** means the use of *land* or *buildings* for the purposes of commercial, agricultural, horticultural or pastoral farming, but does not include *intensive livestock farming, woodlot* or *forestry*.
- **“Non-Residential Activity”** means *any activity* not defined as a *Residential Activity* -or a *Temporary Activity* or a *Prohibited Activity*.
- **“Any Activity”** means a *Residential Activity* or a *Non-Residential Activity* but does not include a *Prohibited Activity* or a *Temporary Activity*.

There are rules in the *Plan* other than the *Footbills Environment* Rules that may apply to a proposed activity.

The “City-Wide Rules” section includes rules on information for *resource consents, natural hazards, financial contributions, hazardous facilities* and *contaminated sites, heritage, Prohibited Activities* and *Temporary Activities*. Definitions of terms used in the *Plan* also appear in the *City-Wide Rules*.

The “Natural Areas Rules” cover *vegetation alteration, earthworks, impermeable surfaces, establishment of vegetation, stock grazing* and *forestry*.

The “Subdivision Rules” cover all standards relating to the *subdivision* of *land* in the City - including those standards which specifically apply to the *Footbills Environment*.

An indication of which parts of the *Plan* will apply to a particular activity is given on the *Human Environments* Maps and the *Natural Areas* Maps and in the *Footbills Environment* Rules themselves.

The procedure outlined on the next page is a guideline to apply the *Plan* rules for an activity proposed within the *Footbills Environment*.

Note that a *resource consent* from the Auckland Regional Council may be necessary in addition to these rules.



PROCEDURAL GUIDELINE FOR THE RULES

STEP 1

Locate the *site* on the *Natural Areas* Maps and the *Human Environments* Maps. If the *site* is within the *Foothills Environment*, refer to this guideline. If the *site* is within another *Human Environment* refer to the other appropriate guideline. Note the *Natural Area* which applies to the *site*, and any other information from the maps which is relevant such as *sensitive ridges*, *heritage*, *designation* or *scheduled site* status. If there is a particular notation on the maps, refer to the relevant part of the *Plan* containing rules in respect of that notation (see the index at the front of the Rules Section).

STEP 2

Refer to the *Roading Hierarchy* map. Note any requirements that apply to the *site*, or the area within which the *site* is located.

STEP 3

Check to see whether the *site* is within a *Natural Hazards* area (information is available from the Council). Refer to the *Natural Hazards* requirements in the *City-Wide Rules* if it is.

STEP 4

Determine whether the activity is a *Prohibited Activity* (see the *City-Wide Rules*). If it is, then the activity is not permitted and no *resource consent* application can be made.

STEP 5

Determine whether the activity proposed is a *Residential Activity*, or a *Rural Activity*, or a *Non-Residential Activity* (refer to the definitions on the previous page).

STEP 6

Check the *Foothills Environment* Rules. The activity must comply with all relevant Rules to be permitted as of right. Rules which may apply to *Any Activity* include:

Rule 1 General Rules

Rule 3 Building Location - Natural Landscape Elements

Rule 4 Yards

Rule 5 Building Height

Rule 6 Outdoor Storage

Rule 7 Building Coverage

Rule 10 Noise

Rule 11 Air Discharges, Odour, Dust, Glare and Vibration

Rule 12 Signs

Rule 13 Relocated Buildings

Rule 14 Infrastructure

Additional Performance Standards which may apply only to *Residential Activities* include:

Rule 2 Residential Activities/Density

Additional Performance Standards which may apply only to *Non-Residential Activities* include:

Rule 8 Non-Residential Activities

Rule 9 Traffic Generation, Access & Car parking

STEP 7

Under each of the relevant rules the activity proposed will be either a *Permitted Activity*, a *Controlled Activity*, a *Limited Discretionary Activity*, a *Discretionary Activity* or a *Non-Complying Activity*. A *resource consent* is required for all activities other than *Permitted Activities*. If, under a particular rule, an activity is a *Permitted Activity*, then there is no need for a *resource consent* application in terms of that Rule. However the activity may still require a *resource consent* under another rule. Refer to the relevant rule page and the "Resource Consents" Section of the *Plan* for guidance on *resource consent* applications.

STEP 8

Once it has been established that all relevant Rules are met, or *resource consents* have been granted, and the other requirements of the *Plan* are also satisfied, then the activity may proceed. Note that approvals under other legislation, e.g. the issuing of a *building consent*, may be necessary.

Words which appear in *italics* are defined in the *Plan* - see the Definitions at the front of the *City-Wide Rules*. Words which appear in **bold** are explained in the *Plan*. See the Explanations at the end of the Introduction to the Rules.

RULES

1.0 General

The following Rules 1.1 and 2 to 14 apply to activities on land situated in the *Foothills Environment*.

1.1 Notification/Non-Notification

In relation to *Controlled Activities* and *Limited Discretionary Activities* under the following Rules 2 to 14, applications for consent need not be notified and the written approvals of affected persons will not be required, nor in terms of limited notification under the *Act*, will notice to adversely affected persons need to be served.

RULE 2 **RESIDENTIAL ACTIVITIES / DENSITY**

RULES

2.0 General

The following rules shall apply to *Residential Activities*.

2.1 Permitted Activities

Activities meeting the following Performance Standard are *Permitted Activities*:

- *Residential Activities* where there is no more than one *dwelling* and one *minor household unit* per *site*, and the *minor household unit* is located less than 6.0 metres from the main *dwelling* on the *site*.

2.2 Discretionary Activities

Activities meeting the following performance standards are *Discretionary Activities*:

- *Residential Activities* which involve no more than one *minor household unit* per *site* not meeting the standards of Rule 2.1, provided that:-

-the *site* does not form part of a *structure plan area* and has a minimum *site area* of 2.5ha, or

-the *site* is located in the *Oratia structure plan area*, and there is one only *driveway* serving both the main *dwelling* and the *minor household unit*, or

-the *site* is located in a *structure plan area* other than *Oratia* and the *site* has a *subdivision* opportunity available under the relevant *structure plan*.

Discretionary Activity applications made under this rule will be assessed in accordance with Assessment Criteria 2(a)-2(g), the Assessment Criteria appearing in Rule 7 Foothills Environment of the subdivision

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

ASSESSMENT CRITERIA

2(a)

The extent to which the *minor household unit* and associated *development* (including *driveways*) would contribute to adverse visual cumulative effects by the spread of *buildings* and *residential activities* in the landscape.

2(b)

The extent to which the *minor household unit* and associated *development* (including *driveways*) detracts from the **amenity values** and the local landscape elements.

2(c)

The extent to which the location and *design* of the *minor household unit* avoids the potential for future *subdivision* of that *minor household unit* from the main *dwelling*, unless otherwise provided for in the *subdivision* rules.

2(d)

The extent to which *minor household unit* and associated *development* (including *driveways*) requires the *clearance* of *native vegetation* and habitat of *native fauna*, or results in adverse *effects* on ecosystems.

2(e)

The extent to which the *minor household unit* and associated *development* (including *driveways*) requires *development* in any *Riparian Margin/Coastal Edge Natural Area* or *Restoration Natural Area* or on any *natural landscape element*.

2(f)

The extent to which adequate *wastewater treatment and disposal systems* and *stormwater treatment and disposal systems* are provided for the *minor household unit* and associated *development*.

2(g)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.

Note: See also Policies 1.1, 1.14, 2.1, 3.1, 10.17, 10.27, 11.1, 11.2, 5B.1, 5B.3.

(Policy Section of the Waitakere District Plan)

RULE 2

RESIDENTIAL ACTIVITIES / DENSITY

rules and such other matters that are relevant under section 104 of the *Act*.

2.3 Non-Complying Activities

Residential Activities to which this rule applies which are not a *Permitted Activity* or a *Discretionary Activity* under Rule 2.1 or 2.2 shall be deemed to contravene a rule in this *Plan* and shall be a *Non-Complying Activity*.

New *Residential Activities* (excluding additions to existing residential *buildings*) within the *Oratia Rural Village Non-Residential Activity Overlay* shall be a *Non-Complying Activity*.

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* the Council may impose conditions. The conditions may include any of the following matters:

- Altering the location of the *minor household unit* on the site
- Requiring the retention of trees and/or *planting*
- Requiring provision of *screening* and/or *planting*
- Altering the *design* of the *building*

requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*.

RULE 3

BUILDING LOCATION - NATURAL LANDSCAPE ELEMENTS

RULES

3.0 General

The following rules shall apply to *Any Activity* involving the erection or alteration of *buildings* and establishment of *development*.

3.1 Permitted Activities

Activities meeting the following Performance Standard are *Permitted Activities*:

- (a) *buildings* and *development* which are not on *land* identified as a *sensitive ridge* or headland/cliff/scarp on the *Natural Areas* Maps;
- (b) decks less than 1.0 metre in height on land identified as a *sensitive ridge* or headland/cliff/scarp on the *Natural Areas* Maps;
- (c) additions or alterations to existing *buildings* or *development* on *land* identified as a *sensitive ridge* or headland / cliff / scarp on the *Natural Areas* Maps, provided that the additions or alterations:
 - do not increase the *height* of the *building* or *development* at any point, or increase the *building coverage* beyond the existing *building bulk*,
 - are not for the enclosure of a deck.

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. A guideline to help determine which "roads" and "public places" a *building* may be visible from is kept by the Council.
3. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area* Rules and the *City-Wide Rules* and, where relevant, the *Subdivision* Rules.
4. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
5. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
6. The Council may have a guideline to help interpret this rule - check at the Council Offices.
7. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
8. Council officers may be able to give advice on designing *buildings* in **natural landscape** areas - check at the Council offices.

ASSESSMENT CRITERIA

3(a)

The extent to which *buildings* are obtrusively visible on or above *sensitive ridgelines* from a *public place*.

3(b)

The extent to which *buildings* and *development* compromise the visual landscape qualities of *sensitive ridgelines*, and other *natural landscape elements*.

3(c)

The extent to which *development* adversely affects the visual, historical, cultural and spiritual significance for *invi* of *sensitive ridges*.

3(d)

The extent to which *landscape treatment* is used to mitigate the visual impact of *buildings* and *development*.

3(e)

The extent to which more than minor adverse *effects* can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the *site* and/or through payment or provision of a *financial contribution*.

3(f)

The extent to which the *height* of the *building* or *development* will interrupt identified *Public Views*, as listed in Appendix K of the Policy Section of the *Plan*.

3(g)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.

See also Policies 2.8, 8.7, 9.3, 9.12, 10.27, 11.7, 11.8, 11.9, 5B.1, 5B.3

(Policy Section of the Waitakere District Plan)

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RULE 3

BUILDING LOCATION - NATURAL LANDSCAPE ELEMENTS

3.2 Controlled Activities

Activities meeting either of the following Performance Standards are *Controlled Activities*:

- *buildings and development on land identified as a sensitive ridge or headland / cliff/ scarp on*

the *Natural Areas* Maps provided that any *building* is not visible in front of the *sea* or above the *skyline* as viewed from a *road* or other *public place*.

- additions or alterations to existing *buildings* or *development on land identified as a sensitive ridge or headland/cliff/scarp on the Natural Areas* Maps, provided that the additions or alterations do not increase the *height* of the *building* or *development* at any point, or increase the *building coverage* by more than 20m².

Assessment of *Controlled Activity* applications made under this rule will be limited to matters of *height*, *location*, *design*, *landscape treatment*, and *scale* and will be considered in accordance with Assessment Criteria 3(a)-3(fg).

3.3 Limited Discretionary Activities

Activities meeting the following Performance Standard are *Limited Discretionary Activities*:

- *buildings and development on land identified as a modified sensitive ridge not meeting the standards in Rules 3.1 and 3.2.*

Limited Discretionary Activity applications will be assessed having regard to Assessment Criteria 3(a)-3(f) and other matters which are relevant under section 104 of the Act.

3.4 Discretionary Activities

Activities meeting the following Performance Standard are *Discretionary Activities*:

- *buildings and development on land identified as a natural sensitive ridge which does not meet the performance standards in Rules 3.1, 3.2 and 3.3, provided that no structure located on a sensitive ridgeline, headland, cliff or scarp has a height exceeding 10.0 metres.*

Discretionary Activity applications will be assessed having regard to Assessment Criteria 3(a)-3(fg) and any other matters which are relevant under section 104 of the Act.

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. These conditions may involve any one or more of the following:

- limiting the *height* of *buildings*
- altering the *location* of *buildings*
- altering the *design* of *buildings* requiring the provision of *planting*
- requiring *financial contributions* in accordance with the *Plan*
- the imposition of a *bond* to cover satisfaction of conditions of consent
- such other matters provided for in section 108 of the *Act*
- covenanting of existing or *planted vegetation*
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse effects.

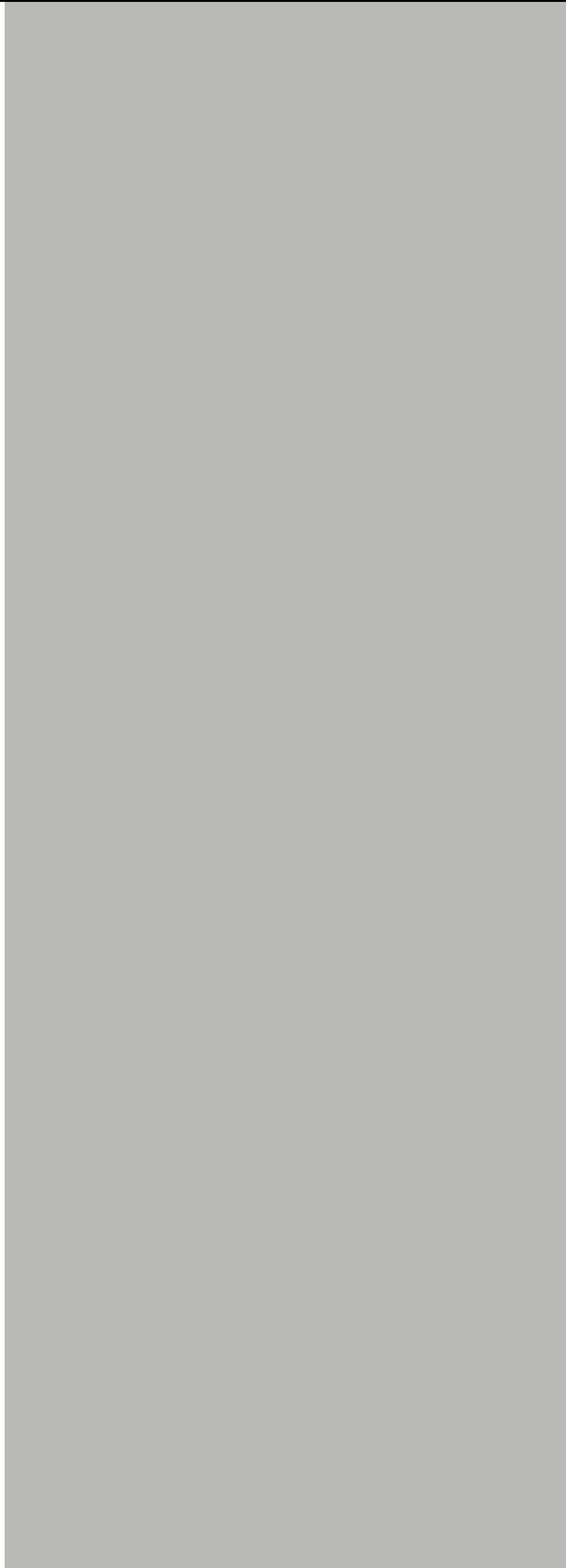
Provided that, in the case of *Controlled* and *Limited Discretionary Activities*, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.

RULE 3

BUILDING LOCATION - NATURAL LANDSCAPE ELEMENTS

3.5 Non-Complying Activities

Any Activity to which these rules apply which is not a *Permitted Activity* or a *Limited Discretionary Activity* or a *Discretionary Activity* under the above rules shall be deemed to contravene a rule in the *Plan* and shall be a *Non-Complying Activity*.



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RULE 4 **YARDS**

RULES

4.0 General

The following rules shall apply to *Any Activity* involving the erection or alteration of *buildings* and *fences* except *Scheduled Activities* on *scheduled sites* and *buildings* for *non-residential activities* within the *Oratia Rural Village Non-Residential Activity Overlay*.

4.1 Permitted Activities

Activities meeting the following Performance Standard are *Permitted Activities*:

- *buildings set back* from all *site boundaries* by 10 metres or more, provided that the *setback* may be reduced to 3.0 metres for any *site* less than 0.4 ha in *site area*.
- In the *Oratia Local Area*, close board or solid fences *setback* from the *road* by 5 metres or more.

4.2 Controlled Activities

Activities meeting the following Performance Standard are *Controlled Activities*:

- *building setbacks* not meeting the standards of Rule 4.1 provided that the minimum *building setback* from any *site boundary* is 3.0 metres and the *building* is not situated within 10 metres of any outdoor horticultural activity on an *adjoining site*.

Assessment of *Controlled Activity* applications will be limited to the matters of location, *setback*, *screening* and *planting* and will be considered in accordance with Assessment Criteria 4(a)-4(ed).

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

ASSESSMENT CRITERIA

4(a)

The extent to which *buildings* dominate the **landscape character**.

4(b)

The extent to which, for *buildings* within 3 metres of a *site boundary*, or within 10 metres of an outdoor horticultural activity on an *adjoining site*, *amenity* and health standards are maintained with particular regard being given to **physical domination**, **privacy** and **shading** effects and *effects* on health of agricultural sprays.

4(c)

The extent to which more than minor adverse *effects* can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the *site* and/or through payment or provision of a *financial contribution*.

4(d)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.

Note: See also Policies 1.15, 10.5, 10.6, 10.27, 11.3, 5B.1, 5B.3
(Policy Section of the Waitakere District Plan)

RULE 4

YARDS

4.3 Discretionary Activities

Activities meeting the following Performance Standard are *Discretionary Activities*:

- *building setbacks* not meeting the standards of Rule 4.2.
- In the *Oratia Local Area*, *fences* not meeting the standards of rule 4.1.

Discretionary Activity applications will be assessed having regard to Assessment Criteria 4(a)-4(ed) and any other relevant matter under section 104 of the *Act*.

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. The conditions may include any one or more of the following matters:

- requiring a specific *setback* between the *building* and the *site boundary*
- requiring provision of *screening* and/or *planting*
- requiring *financial contributions* in accordance with the *Plan*
- the imposition of a *bond* to cover satisfaction of conditions of consent
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse effects { **A41, A42, A43**}
- such other matters provided for in section 108 of the *Act*.

Provided that, in the case of a *Controlled Activity* and *Limited Discretionary Activities*, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.

RULE 5

RULES

5.0 General

The following rules shall apply to *Any Activity* involving the erection or alteration of *buildings*.

5.1 Permitted Activities

Activities meeting the following Performance Standard are *Permitted Activities*:

- *Buildings* having:
 - (i) a maximum *height* not exceeding 8.0 metres, and
 - (ii) a maximum *elevation height* not exceeding 10.0 metres. (See Diagram 5A)



Diagram 5A

5.2 Discretionary Activities

Activities meeting the following Performance Standard are *Discretionary Activities*:

- *buildings* having:
 - (i) a maximum *height* exceeding 8.0 metres
 - (ii) a maximum *elevation height* exceeding 10.0 metres.

Discretionary Activity applications made under this rule will be assessed having regard to Assessment criteria 5(a)-(e) and any other matters which are relevant under section 104 of the Act.

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area* Rules, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule, check at the Council Office.

ASSESSMENT CRITERIA

5(a)

The extent to which *building height* will intrude on the surrounding **natural landscape**.

5(b)

The extent to which *building height* will **physically dominate** adjoining sites.

5(c)

The extent to which *building height* will intrude into the **privacy** of adjoining sites

5(d)

The extent to which *building height* will interrupt **views** from sites in the vicinity.

5(e)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.

Note: See also Policies 1.15, 9.5, 10.5, 11.3, 11.8, 5B.1, 5B.3

(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. The conditions may include any one or more of the following matters:

- limiting the *height*
- requiring the alteration of window *design* or positioning
- requiring provision of *planting* or *screening*
- the imposition of a *bond* to cover satisfaction of conditions of consent
- such other matters provided for in section 108 of the *Act*
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse effects.

RULE 6

OUTDOOR STORAGE

RULES

6.0 General

The following rules shall apply only to activities involving outdoor storage areas.

6.1 Permitted Activities

Activities meeting the following Performance Standard are Permitted Activities:

- outdoor storage areas not exceeding 200m² in area and 3.0 metres above the ground, which are screened from any road or any dwelling on an adjoining site. Outdoor storage areas shall not include activities for motor vehicle repairs, wrecking of motor vehicles, bottle or scrap metal sorting storage or rehandling, rubbish collection storage or rehandling services.

6.2 Discretionary Activities

Activities meeting the following Performance Standard are Discretionary Activities:

- outdoor storage areas not meeting the standards in Rule 6.1.

Discretionary Activity applications will be assessed having regard to Assessment Criteria 6(a) and 6(b,c) and any other relevant matters under section 104 of the Act.

ASSESSMENT CRITERIA

6(a)

The extent to which outdoor storage detracts from the visual amenity enjoyed by residents of adjoining sites.

6(b)

The extent to which activities compromise rural landscape.

6(c)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.

Note: See also Policies 11.3, 11.10, 5B.1, 5B.3

(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

In granting a resource consent Council may impose conditions. Conditions may include any one or more of the following matters:

- limiting the size of any outdoor storage
- requiring provision of screening or planting
- the imposition of a bond to ensure satisfaction of conditions of consent
- requiring on-site or off-site works and services to avoid, remedy, mitigate or offset adverse effects
- such other matters provided for in section 108 of the Act.

NOTES

1. If an activity is not controlled or restricted in any way by any part of the Plan it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the Plan or be the subject of a resource consent. Check all other rules in this Human Environment and also the Natural Area Rules, the City-Wide Rules and, where relevant, the Subdivision Rules.
3. Words in italics are defined - see the Definitions part of the City-Wide Rules.
4. Words in bold are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For resource consents see the Information Requirements in the City-Wide Rules.

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RULE 7 **BUILDING COVERAGE**

RULES

7.0 General

The following rules shall apply to *Any Activity* involving the erection or alteration of *buildings* except *buildings* for *non-residential activities* within the *Oratia Rural Village Non-Residential Activity Overlay*.

7.1 Permitted Activities

Activities meeting the following Performance Standard are *Permitted Activities*:

- (a) *buildings* resulting in a *building coverage* of no more than 300m²; or
- (b) 1% of the *net site area*, whichever is the greater,
- (c) decks less than 2.0 metres in height.

(provided that the standard of 1% of the *net site area* does not apply to *non-residential activities* except for *rural activities*). (See diagram 7A)

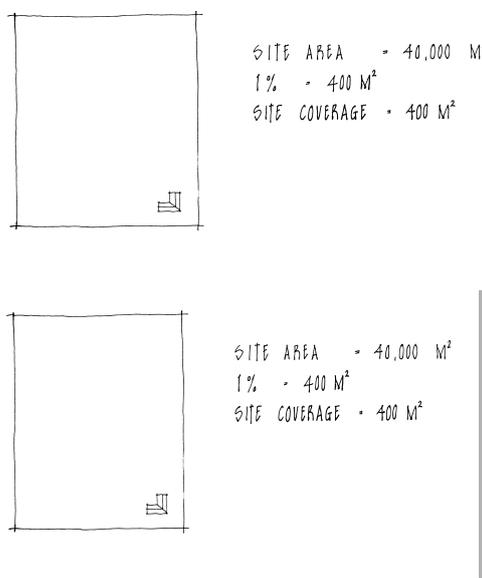


Diagram 7A

7.2 Limited Discretionary Activities

Activities meeting the following Performance Standard are *Limited Discretionary Activities*:

- (a) *Buildings* (excluding (b) and (c) below) having a *building coverage* not meeting the standards in Rule 7.1 where *buildings* have *non-reflective surfaces*; provided that:

ASSESSMENT CRITERIA

7(a)

The extent to which *buildings* create adverse *effects* on **amenity values** or dominate the **rural landscape**.

7(b)

The extent to which the proposal creates demands for public upgrading of *infrastructure* to accommodate increased *building coverage*.

7(c)

The extent to which more than minor adverse *effects* can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the *site* and/or through payment or provision of a *financial contribution*.

7(d)

The extent to which *buildings* and structures for *non-residential activities*:

- (i) have a scale, intensity, context and character of activities that retains or enhances a rural or natural character;
- (ii) are compatible with the scale and appearance of *buildings* in a rural environment;
- (iii) are subservient to rural landscapes; and
- (iv) contribute to rural character, and/or the wellbeing of the community, and/or the productive or outdoor recreational use of rural land.

7(e)

The extent to which *greenhouses* are appropriately located, screened and avoid, remedy or mitigate adverse effects on the visual appearance of the dramatic backdrop of the Waitakere Ranges and rural foothills to the western skyline of Auckland.

7(f)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.

Note: See also Policies 10.4, 10.5, 10.6, 10.17, 10.27, 11.3, 11.8, 5B.1, 5B.3, 5B4

(Policy Section of the Waitakere District Plan)

RULE 7

BUILDING COVERAGE

- (i) the *building coverage* does not exceed 25% of the *net site area*; and
- (ii) the activity proposed is *Residential Activity* or a *Rural Activity*; or
- (b) *greenhouses* having a *building coverage* not meeting the standards in Rule 7.1 provided that the *building coverage* does not exceed 25% of the net site area; or
- (c) *building(s)* accommodating *non-residential activities* (except home occupations, greenhouses and rural activities) not meeting the standards in Rule 7.1 where the total *building coverage* accommodating *non-residential activities* does not exceed 1.5% of the net site area or 500m2 whichever is the lesser.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to matters of *building coverage*, *building bulk* and *landscape treatment* and will be considered in accordance with Assessment Criteria 7(a)-7(f).

7.3 Discretionary Activities

Any Activity to which these rules apply which is not a *Permitted Activity* or a *Limited Discretionary Activity* under the above rules shall be assessed as a *Discretionary Activity* and will be considered in accordance with Assessment Criteria 7(a)-7(f) and any other matters that are relevant under section 104 of the *Act*.

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. The conditions may include any one or more of the following matters:

- limiting the *building coverage*
- limiting the *building bulk*
- requiring provision of a *landscape treatment plan*, and implementation of that plan within a given time
- the imposition of a *bond* to cover satisfaction of conditions of consent
- requiring *financial contributions* in accordance with the *Plan*
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse effects
- such other matters provided for in section 108 of the *Act*.

Provided that, in the case of *Limited Discretionary Activities*, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment and* also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

foothills environment

RULE 8

NON-RESIDENTIAL ACTIVITIES LOCATED IN AREAS OUTSIDE OF THE WAITAKERE RANGES HERITAGE AREA

RULES

8.0 General

The following rules shall apply to all *Non-Residential Activities* except for *Rural Activities* and *Non-Residential Activities* on *scheduled sites*.

8.1 Permitted Activities

Activities meeting the following Performance Standard are *Permitted Activities*:

- *home occupations* meeting with the following requirements:

-no more than five persons except for *small brothels* that are limited to four persons, are engaged in the *home occupation*, at least one of whom resides on the *site*; and

-the *home occupation* is carried out within an existing *building* which is clearly marked with the relevant street number in accordance with By-Law No. 4 Chapter 2 Public Places 1972 (Clause 244 as amended); and

-the *home occupation* does not involve traffic generation involving a *heavy traffic vehicle* exceeding two *vehicle movements* per week; and

- except where goods are primarily ordered by mail or electronic transaction; and distributed by post or courier, any retail sales and services are of goods

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
7. *Scheduled Sites* are covered in a separate part of the *Plan*. Rules within that part may allow *Non-Residential Activities* which are not provided for in the above rules.
8. See limitation to *front site* under Traffic Generation Rule 9.1.
9. Under the Wild Animal Control Act (1977) parts of the *Foothills Environment* are a deer free area.

ASSESSMENT CRITERIA

8(a)

The extent to which *Non-Residential Activities* compromise the **rural character**.

8(b)

The extent to which purpose-built *buildings* are compatible with the scale and appearance of other *buildings* in the neighbourhood.

8(c)

The extent to which the character, scale, hours of operation and intensity of *Non-Residential Activities* are compatible with the **amenity values** and rural character of the surrounding area.

8(d)

The extent to which the activity would lead, on an individual or cumulative basis, to pressure for urban expansion and the fragmentation of **rural character** and *amenity*.

8(e)

The extent to which more than minor adverse *effects* can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the *site* and/or through payment or provision of a *financial contribution*.

8(f)

The extent to which regard has been given to section 15 of the Prostitution Reform Act 2003.

Note: See also Policies 1.2, 1.3, 1.18, 4.1, 4.7, 10.1, 10.3, 10.14, 10.27, 11.1, 11.8, 11.10, 11.17, 11.18, 11.30, 11.31, 11.50.

(Policy Section of the Waitakere District Plan)

RULE 8

NON-RESIDENTIAL ACTIVITIES LOCATED IN AREAS OUTSIDE OF THE WAITAKERE RANGES HERITAGE AREA

produced on the *site* and the hours of operation are between 0700 and 1900 daily; and

- the *home occupation*, apart from the parking of one vehicle, is *screened* from the *adjoining sites* and the *road*.

8.2 Controlled Activities

Activities meeting the following Performance Standard are a *Controlled Activity*:

- *Filming Activities* not requiring the construction of any *building*.

Assessment of *Controlled Activity* applications made under this rule will be limited to the matters of *design*, layout and operation (including hours and duration) of *Filming Activities* and will be considered in accordance with Assessment Criteria 8(a)-8(e).

8.3 Limited Discretionary Activities

Activities meeting the following Performance Standard are *Limited Discretionary Activities*:

- *Non-Residential Activities* including *home occupations* not meeting the standards in Rule 8.1, where:

-the activities are located within an existing *building* and there are no *retail sales*, provided that the total floor space occupied by the *Non-Residential Activity* does not exceed 250 m²; or

-the activity involves *retail sales* of horticultural produce where the *retail floor space* does not exceed 75m².

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to matters of scale, retention of *vegetation*, *screening*, *landscape treatment*, duration, hours of operation, *design* and location and will be considered in accordance with Assessment Criteria 8(a)-(f).

8.4 Non-Complying Activities

Non-Residential Activities to which these rules apply other than *Rural Activities* which are not a *Permitted Activity*, a *Controlled Activity* or a *Limited Discretionary Activity* under the above rules shall be deemed to contravene a rule in this *Plan* and shall be a *Non-Complying Activity*.

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. The conditions may include any one or more of the following matters:

- requiring alterations to *design* and/or location of *buildings* on the *site*
- requiring the retention or planting of *trees* and/or other *vegetation*
- limiting the scale of the *development* or use
- limiting the duration of the activity
- limiting hours of operation
- requiring the provision of *screening*
- requiring provision of a *landscape treatment plan* and its implementation within a given time
- the imposition of a charge to cover costs of monitoring the activity
- the imposition of a *bond* to cover satisfaction of conditions of consent
- requiring *financial contributions* in accordance with the *Plan*
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

Provided that, in the case of a *Controlled Activity* and *Limited Discretionary Activities*, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.

RULE 8A

NON-RESIDENTIAL ACTIVITIES WITHIN THE WAITAKERE RANGES HERITAGE AREA

RULES

8A.0 General

The following rules shall apply to all *Non-Residential Activities* located within the Waitakere Ranges Heritage Area (refer Human Environments Maps) except for *Non-Residential Activities* on *scheduled sites* and *Non-Residential Activities* within the *Oratia Rural Village Non-Residential Activity Overlay* (refer Rule 8B of the *Foothills Environment*).

8A.1 Permitted Activities

- (a) The following *activities* are *Permitted Activities*:
- (i) *Rural activities*, including pastoral farming where pastoral farming is limited to the General Natural Area.
 - (ii) *Retail sales* of trees and plants produced on the *site* in a nursery;
 - (iii) Markets provided that:
 - (a) the *activity* shall be carried out on the *site* for a maximum of one day each week; and
 - (b) *retail sales* are limited to *beverages*, food, **agricultural and horticultural produce**, *arts and crafts*; and
 - (c) the activity occurs on a *site* with a *net site area* greater than 2 hectares.
 - (iv) Production of *arts and crafts* meeting the following requirements:
 - no more than five persons are engaged in the production of *arts and crafts* on the site.
 - (v) *Filming Activities* not requiring the *construction* of any *building* and which extends for a duration of less than 6 months in any 12 month period.
- (b) Activities meeting the following Performance Standard are *Permitted Activities*:
- (i) *home occupations* meeting with the following requirements:
 - no more than five persons except for *small brothels* that are limited to four persons, are engaged in the *home occupation*, at least one of whom resides on the *site*; and
 - commercial overnight accommodation activities are restricted to a total of 10

ASSESSMENT CRITERIA

8A(a)

The extent to which *Non-Residential Activities* contribute to, or compromise rural character, including consideration of cumulative adverse effects on rural character.

8A(b)

The extent to which *Non-Residential Activities* involving *outdoor recreation activities* depend on, or are appropriate to the rural environment and the Waitakere Ranges Heritage Area and limit the scale and intensity of building and structures, and avoid adverse noise, lighting and amenity effects on adjoining properties.

8A(c)

The extent to which *Non-Residential Activities* contribute to and enhance the ongoing productive use of rural land, and the restoration of degraded terrestrial and aquatic ecosystems.

8A(d)

Where *rural activities* are proposed in association with *Non-residential Activities*, the extent to which the proposal provides adequate consideration of the implementation and/or ongoing management of those *rural activities* in a manner that creates a clear and genuine connection between *Non-Residential Activities* and *rural activities*.

8A(e)

The extent to which *Non-Residential Activities* involving *retail sales* of, or the manufacturing and processing of agricultural or horticultural produce have a connection with *rural activities* in New Zealand.

8A(f)

The extent to which *Non-Residential Activities* involving *retail sales* of *arts and crafts* have a connection with creative endeavour in the Waitakere Ranges Heritage Area and/or New Zealand.

8A(g)

The extent to which the scale of *Non-Residential Activities* is appropriate to the size of the *site* and the activity includes the appropriate provision of onsite infrastructure to manage water, wastewater, storm

RULE 8A

NON-RESIDENTIAL ACTIVITIES WITHIN THE WAITAKERE RANGES HERITAGE AREA

persons inclusive of those that reside on the *site*; and

- the *home occupation* is carried out within an existing *building* which is clearly marked with the relevant street number in accordance with By-Law No. 4 Chapter 2 Public Places 1972 (Clause 244 as amended); and
- the *home occupation* does not involve traffic generation involving a *heavy traffic vehicle* exceeding two vehicle *movements* per week; and
- per week; and
- except where goods are primarily ordered by mail or electronic transaction and distributed by post or courier, any *retail sales* and services are of goods, agricultural and horticultural produce produced on the *site and the hours of operation are between 0700 and 1900 daily*; and
- the *home occupation*, apart from the parking of one vehicle, is *screened* from the *adjoining sites* and the *road*.

8A.2 Controlled Activities

Activities meeting the following Performance Standard and are a *Controlled Activity*:

- *Filming Activities* not requiring the construction of any *building*.

Assessment of *Controlled Activity* applications made under this rule will be limited to the matters of *design*, layout and operation (including hours and duration) of *Filming Activities* and will be considered in accordance with Assessment Criteria 8A(a)-8(n).

8A.3 Limited Discretionary Activities

Activities meeting the following Performance Standard are *Limited Discretionary Activities*:

- (i) *Home occupations* not meeting the standards in Rule 8A.1 but excluding *commercial sex activities* and *small brothels* that are a *home occupation* not meeting the standards in Rule 8A.1, provided that
 - the total floor space occupied by the *Non-Residential Activity* does not exceed 250m²; and/or

water (detention, quality, mitigation plantings and reuse) and solid waste associated with the *activity*.

8A(h)

The extent to which, where available, *Non-Residential Activities* reuse existing buildings located on the *site*.

8A(i)

The extent to which the character, scale, hours of operation and intensity of *Non-Residential Activities* are *compatible* with the **amenity values** and **rural character** of the surrounding area.

8A(j)

The extent to which *buildings*, structures and development for *non-residential activities*:

- (i) have a scale, intensity, context and character of activities that retains or enhances a rural or natural character;
- (ii) are compatible with the scale and appearance of *buildings* in a rural environment;
- (iii) are subservient to rural landscapes; and
- (iv) contribute to rural character, and/or the wellbeing of the community, and/or the productive or outdoor recreational use of rural land.

8A(k)

The extent to which the activity would lead, on an individual or cumulative basis, to pressure for urban expansion and the fragmentation of **rural character** and *amenity*.

8A(l)

The extent to which *greenhouses* are appropriately located, screened and avoid, remedy or mitigate adverse effects on the visual appearance of the dramatic backdrop of the Waitakere Ranges, the rural foothills, and the western skyline of Auckland.

8A(m)

The extent to which the activity manages adverse effects on the amenity of adjoining properties.

8A(n)

The extent to which activities protect and avoid adverse effects including cumulative effects on native vegetation, wildlife habitats, ecological

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- the activity involves *retail sales* of goods produced on site where the *retail floor space* does not exceed 100m²;
- (ii) Existing *Non-Residential Activities (not being a home occupation)* involving increase in scale and/or intensity of an existing lawfully established *non-residential activity* provided there are no *retail sales* except for *restaurant (food), beverages food*, agricultural and horticultural produce or *arts and crafts*.
- (iii) Restaurant (food) excluding drive through activities provided that the *activity* is associated with an existing *rural activity* or involves the establishment of a *rural activity* (excluding pastoral farming) on a *site* with a *net site area* greater than 2 hectares;
- (iv) *Retail sales* of agricultural and horticultural produce and *beverages* (excluding a *home occupation* meeting the standards in Rule 8A.1) where the *retail floor space* does not exceed 100m² and the activity is ancillary to the *rural activity* on the *site* where the site has a *net site area* greater than 2 hectares;
- (v) Manufacturing and/or processing activities (excluding a *home occupation* meeting the standards in Rule 8A.1) are limited to the manufacture, sorting or processing of goods from agricultural or horticultural produce, exclude Part A and B processes as listed in the Air Discharge Appendix, and are ancillary to the *rural activity* on the *site* where the *site* has a *net site area* greater than 2 hectares;
- (vi) *Filming Activities* requiring the construction of a *building(s)*;
- (vii) *Any activity* involving *greenhouse(s)* located within the *general natural area*;
- (viii) *Any activity* involving a *Garden Centre*;
- (ix) *Retail sales* of *arts and crafts* where the *retail floor space* does not exceed 100m²; and
- (x) *Any activity* involving an *outdoor recreation activity* (excluding *home occupations*).
- (xi) Markets not complying with the Rule 8A.1(a)(iii)(a) of the *Foothills Environment* provided that:

corridors and the significant natural values of the Waitakere Ranges and its Foothills.

8A(o)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.

8A(p)

The extent to which more than minor adverse *effects* can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the *site* and/or through payment or provision of a *financial contribution*.

8A(q)

The extent to which regard has been given to section 15 of the Prostitution Reform Act 2003.

Note: See also Polices 1.2, 1.3, 1.18, 4.1, 4.7, 10.1, 10.3, 10.14, 10.27, 11.1, 11.8, 11.10, 11.17, 11.18, 11.30, 11.31, 11.50, 5B.1, 5B.3, 5B.4.

(Policy Section of the Waitakere District Plan)

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NON-RESIDENTIAL ACTIVITIES WITHIN THE WAITAKERE RANGES HERITAGE AREA

- (a) the *activity* shall be carried out on the *site* for a maximum of two days each week; and
 - (b) *retail sales* are limited to *beverages*, food, agricultural and horticultural produce, *arts and crafts*; and
 - (c) the activity occurs on a *site* with a *net site area* greater than 2 hectares.
- (xii) Commercial overnight accommodation (excluding a *home occupation* meeting the standards in Rule 8A.1) on a *site* greater than 20 hectares provided that:
- (a) the maximum number of guests is restricted to 20 persons.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to the effects of the activity in the surrounding rural area, scale and intensity, protection, restoration and/or enhancement of the environment and ecology retention of *vegetation*, *screening landscape treatment*, duration, hours of operation, *design* and location, traffic generation, car parking and access, sustainable land management practices, infrastructure, provision of *rural activities* and will be considered in accordance with Assessment Criteria 8A(a)-(q).

8A.4 Discretionary Activities

Activities meeting the following Performance Standards are *Discretionary Activities*:

- (i) *Activities* involving *intensive livestock farming*;
- (ii) *Non-Residential Activities* identified in Rule 8A.3 on *sites* with the minimum *net site area* less than the standard of 2 hectares, provided that *retail sales* meet the standards in Rule 8A.3; and
- (iii) Non-residential activities not provided for in Rules 8A.1, 8A.2 or 8A.3 provided that there are no *retail sales* or Part A and B processes as listed in the Air Discharge Appendix.

Discretionary Activity applications made under this rule will be assessed having regard to Assessment Criteria 8A(a)-8(p) and any other matters which are relevant under section 104 of the *Act*.

8A.5 Non-Complying Activities

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. The conditions may include any one or more of the following matters:

- requiring alterations to *design*, scale and/or location of *buildings*, development, site access, driveways and *car parking* on the site;
- requiring the retention or planting of *trees* and/or other *vegetation*, and/or fencing of streams where animals are present;
- limiting the scale of the *development* or use;
- limiting the duration of the activity;
- limiting hours of operation;
- requiring the provision of *screening*;
- requiring provision of a *landscape treatment plan* and its implementation within a given time;
- requiring the implementation and management of *rural activities* associated with *Non-Residential Activities*;
- water, wastewater and stormwater infrastructure and solid waste management;
- the imposition of a charge to cover costs of monitoring the activity;
- the imposition of a *bond* to cover satisfaction of conditions of consent;
- requiring *financial contributions* in accordance with the *Plan*;
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse effects;
- such other matters provided for in section 108 of the *Act*.

Provided that in the case of a *Controlled Activity* and *Limited Discretionary Activities*, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.

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**NON-RESIDENTIAL ACTIVITIES WITHIN THE
WAITAKERE RANGES HERITAGE AREA**

Non-Residential Activities to which these rules apply which are not a *Permitted Activity*, a *Controlled Activity*, *Limited Discretionary Activity* or a *Discretionary Activity* under the above rules shall be deemed to contravene a rule in this *Plan* and shall be a *Non-Complying Activity*.

foothills environment

RULE 8B

NON-RESIDENTIAL ACTIVITIES WITHIN THE ORATIA RURAL VILLAGE NON-RESIDENTIAL ACTIVITY OVERLAY

DESIGN RULES

8B.0 General

The following rules shall apply to all *Non-Residential Activities* located within the *Oratia Rural Village Non-Residential Activity Overlay* (refer Human Environment Map F8).

8B.1 Permitted Activities

The following *activities* are *Permitted Activities*:

- (i) *Rural activities*;
- (ii) *Home occupations* permitted by Rule 8A.1 of the *Foothills Environment*;
- (iii) *Retail services* excluding those which include activities described in 8B.1 (v) (d)
- (iv) *Non-Residential Activities* lawfully established prior to 8 December 2009 provided that any increase in *floor space* of an existing activity complies with the limitations for floor space in Rule 8B(v)(b) below;
- (v) *Non-Residential Activities* in addition to those in Rule 8B.1 (iv) above provided that:
 - (a) *retail sales* are limited to:
 - *Convenience shop(s)*;
 - agricultural and horticultural produce;
 - *Restaurant(s) (food)* excluding drive through activity;
 - *arts and crafts*;
 - *retail sales* ancillary to a *retail service*, not exceeding 10% of the floor area occupied by the *non-residential activity*;
 - (b) the floor space for each *non-residential activity* does not exceed 100m²;
 - (c) the total number of *non-residential activities* in each *building* does not exceed 2 and the total number of *non-residential activities* in the *Oratia Rural Village Non-Residential Activity Overlay* does not exceed 18;
 - (d) no activity involves motor vehicle repairs, wrecking of motor vehicles, bottle or scrap metal sorting storage or rehandling, rubbish collection storage or rehandling services, or Part A and B processes as listed in the Air Discharge Appendix.

ASSESSMENT CRITERIA

8B(a)

The extent to which all *development* and *buildings* contribute to high standards of *design*, a rural village character, pedestrian *amenity*, and safe and attractive *public places* by:

- (i) The *design* of *buildings* reflects the historic productive context of Oratia and its packing shed building forms;
- (i) Reusing existing *buildings*;
- (i) Locating *buildings* and *development* to maintain rural views;
- (i) Integrating with existing *development* including adjacent community facilities;
- (ii) encouraging shared vehicle access and shared *car parking* including the use of on-street car parks where available;
- (iii) ensuring that *car parking* is not located between the *building(s)* and the *road*;
- (iv) limiting the extent of impervious surfaces and utilising permeable paving;
- (v) creating courtyards, planted orchards or vineyards and open spaces between *buildings*; and
- (vi) providing a covered pedestrian entry that is visible from the *street*.

8B(b)

The extent to which the retention of existing *vegetation* and/or landscape *planting* (illustrated on a *landscape treatment plan*) achieves an orchard or vineyard pattern of fruit trees and vines which creates a rural village located within an orchard and/or vineyard.

8B(c)

The extent to which landscape *planting* (illustrated on a *landscape treatment plan*) mitigates the **visual appearance** of *parking areas*, manoeuvring areas and *buildings* from the street and pedestrian environment, while ensuring that:

- (i) *planting* plans include fruit trees and vines reflecting the orchard and viticulture history of Oratia; and
- (ii) a *planted strip* is provided between the *car parking areas* (excluding driveways) and the

RULE 8B

NON-RESIDENTIAL ACTIVITIES WITHIN THE ORATIA RURAL VILLAGE NON-RESIDENTIAL ACTIVITY OVERLAY

8B.2 Limited Discretionary Activities

Activities meeting the following Performance Standard are *Limited Discretionary Activities*:

- (i) *Buildings* and additions to existing *buildings* provided that:
 - (a) the total maximum number of *buildings*, including existing *buildings* shall not exceed:
 - Area 1: 2 *buildings*
 - Area 2: 2 *buildings*
 - Area 3: 5 *buildings*
 - (b) the *gross floor area* for each *building* in Area 1 does not exceed 150m²;
 - (c) the *gross floor area* for each new *building* in Area 2 and Area 3 does not exceed 200m²;
 - (d) In Area 2 a minimum yard of 15 metres is provided between any *building* and any other *building* within the *Oratia Rural Village Non-Residential Activity Overlay*;
 - (e) In Area 1 and Area 3 a maximum yard of 10 metres is provided between any *building* and any other *building* within the *Oratia Rural Village Non-Residential Activity Overlay*;
 - (f) Any *building* in Area 2 and Area 3 has a minimum front yard setback of 5 metres from any *road*;
 - (g) Any *building* in Area 1 has a maximum setback of 25 metres from any *road*;

Any *building* has a minimum setback of 5 metres from the edge of the *Oratia Rural Village Non-Residential Activity Overlay*;

In Area 1 and Area 3 the width of any single facade of a *building* does not exceed 20 metres;

In Area 2 the width of any single facade of a *building* does not exceed 12 metres;

no more than 40% of an individual *building's street* frontage is in glazing; and

Any *building* has a maximum *height* of 2 storeys.

Assessment of *Limited Discretionary Activity* applications made under this Rule will be limited to retention of view shafts, retention and maintenance of *vegetation, screening, landscape treatment, design* and location, duration, hours of operation, infrastructure, vehicle access and *car parking* and will

street, of a suitable size to accommodate oak trees or similar exotic trees typical in the existing context of the Oratia lower valley capable of growing to maturity.

8B(d)

The extent to which *outdoor storage areas* are located, *designed* and *screened* to avoid creating adverse visual and odour *effects* on the *amenity* of adjacent pedestrians and *roads*, and *adjoining sites*.

8B(e)

The extent to which *building(s)*, loading, parking, entranceways and footpaths are *designed* for ease of access.

8B(f)

The extent to which *development* provides or maintains opportunities for rural trails to Shaw Road and to the Oratia Stream.

8B(g)

The extent to which *Non-Residential Activities* include the appropriate provision of *infrastructure* to manage water, wastewater, stormwater (detention, quality, mitigation plantings and reuse), and solid waste associated with the *activity*.

8B(h)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.

8B(i)

The extent to which more than minor **adverse effects** can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the *site* and/or through payment or provision of a *financial contribution*.

Note: See also Policies 1.2, 1.3, 1.18, 4.1, 4.7, 10.1, 10.3, 10.14, 10.27, 11.1, 11.8, 11.10, 11.17, 11.18, 11.30, 11.31, 11.50, 5B.1, 5B.3.1, 5B.4

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NON-RESIDENTIAL ACTIVITIES WITHIN THE ORATIA RURAL VILLAGE NON-RESIDENTIAL ACTIVITY OVERLAY

be considered in accordance with Assessment Criteria 8B(a) to 8B(i).

8B.3 Discretionary Activities

Activities meeting the following Performance Standards are *Discretionary Activities*:

- (i) *Activities* not meeting the standards in Rule 8B.2 (i)

Discretionary Activity applications made under this rule will be assessed having regard to Assessment Criteria 8B(a) to 8B(i) and any other matters which are relevant under section 104 of the *Act*.

8B.4 Non-Complying Activities

Non-Residential Activities to which these rules apply which are not a Permitted Activity, Limited Discretionary Activity or a Discretionary Activity under the above rules shall be deemed to contravene a rule in this Plan and shall be a Non-Complying Activity.

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. The conditions may include any one or more of the following matters:

- requiring alterations to *design* and/or location of *buildings* on the *site*
- requiring alterations to the design of entranceways, pedestrian or *car parking* facilities, loading bays and/or driveways
- requiring the retention or planting of *trees*, fruit trees, vines and/or other *vegetation*
- limiting the scale of the *development* or use
- requiring the provision of *screening*
- requiring provision of a *landscape treatment plan*, its implementation within a given time and its ongoing maintenance
- *infrastructure*
- *car parking* and access
- the imposition of a charge to cover costs of monitoring the activity
- the imposition of a *bond* to cover satisfaction of conditions of consent
- requiring *financial contributions* in accordance with the *Plan*
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

Provided that, in the case of *Limited Discretionary Activities*, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.

RULE 9 **TRAFFIC GENERATION, ACCESS & CAR PARKING**

RULES

9.0 General

The following rules apply to all *Non-Residential Activities*.

9.1 Permitted Activities

9.1 a *Vehicle movements* associated with the following *activities* are *Permitted Activities*:

- NOTES
1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is *permitted*, but may require consents under other legislation/ plans.
 2. *Vehicle Crossings* require consent from the Council - see Rule 7 of the *Transport Environment*.
 3. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
 4. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
 5. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
 6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
 7. Criteria relating to engineering matters can be met by satisfying standards in the Waitakere City *Code of Practice* - check with the Council.
 8. See the Traffic Generation Section of the Parking and Driveway Guideline (available from the Council) for interpretation of this Rule and guidance in traffic generated by different *land uses*.
 9. See the Parking and Driveway Guideline (available from the Council) for guidance on *car parking* and *driveways*. Satisfaction with criterion 9(b) will be achieved by meeting standards in the Guideline.
 10. Transit New Zealand must be consulted for *vehicle crossing* directly to and from the State Highway Network in order that their approval be obtained, with or without conditions, and in the case of proposed accesses within areas declared Limited Access *roads*, Transit New Zealand's authorisation obtained.
 11. Council will exercise discretion as to whether a Traffic Impact Assessment is required with the application on the basis of the scale and characteristics of traffic generation associated with the activity.
 12. Council will liaise with the market operator regarding the matters the Traffic Management Plan needs to consider on a case by case basis.
 13. The sign line standards in Rule 9.1(c) are the same requirements as stated in the Parking and

ASSESSMENT CRITERIA

9(a)

The effects of traffic generation on:

- the capacity of *roads* giving access to the *sites* having regard to the *road's* function in the Roading Hierarchy and the hourly, daily and weekly pattern of traffic generation.
- the **safety** of *road* users, including cyclists and pedestrians
- the extent to which trips from the urban area are generated by activities that may be more appropriately located in the urban area
- **rural character** and **amenity values**.

9(b)

The sufficiency of *car parking* provided and the standard and **safety** of *driveway* access including the extent of sight lines available for vehicle ingress and egress.

9(c)

The extent to which *car parking* is available on the *road* in the *Oratia Rural Village Non-Residential Activity Overlay*.

9(d)

The extent to which an activity generates new traffic on the *road* or relies on existing through traffic.

9(e)

The extent to which the proposal contributes to the achievement of the relevant future character and *amenity* statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.

9(f)

The extent to which more than minor adverse *effects* can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the *site* and/or through payment or provision of a *financial contribution*.

9(g)

The extent to which Markets:

- provide sufficient on and off-site carparking;
- result in car parking which adversely effects rural character;

foothills environment

RULE 9

TRAFFIC GENERATION, ACCESS & CAR PARKING

- (i) *Non-Residential Activities* permitted by Rule 8B.1 of the *Footbills Environment* within the *Oratia Rural Village Non Residential Activity Overlay*.

9.1 b *Vehicle movements* complying with the Table 1 and the sight line requirements specified in Table 2 of 9.1 c) are *Permitted Activities*:

Table 1:

Activity	Number of permitted Vehicle movements per day
Production of <i>arts</i> and <i>crafts</i> meeting the following requirements: - no more than five persons are engaged in the production of <i>arts</i> and <i>crafts</i> on the site	30
Home occupations meeting the standards 8A.1 b) i) and plants produced on the site in a nursery	40
<i>Retails sales</i> of trees and plants produced on the site in a nursery;	30
Filming Activities not requiring the <i>construction</i> of any <i>building</i> and which extend for a duration of less than 6 months in any 12 month period.	50
Rural Activities, including pastoral farming, where pastoral farming is limited to the General Natural Area	50
Greenhouses	50

and

9.1 c

Table 2: Sight distances

These sight distances are the distances to be measured along the centre of the appropriate lane to establish points C and D in Figures 1 and 2.

Driveway classifications	Operating speed (km/h)*	Minimum sight distance (metres)**		
		Frontage road classification		
		Local	Collector	Arterial
Low volume	40	30	35	70
Up to 200 vehicle manoeuvres per day	50	40	45	90
	60	55	65	115
	70	65	85	140
	80	105	105	175
	90	130	130	210
	100	160	160	250
	110	190	190	290
	120	230	230	330

- ensure safe access to and from the site; and
- maintain the road's function in the Roading Hierarchy.

Note: See also Policies 10.11, 10.14, 10.16, 10.27, 11.10, 11.12, 11.30, 11.31, 5B.1, 5B.3, 5B.4

(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. These conditions may include any one or more of the following matters:

- limiting the size of *building* and/or scale of activity
- requiring alteration to the scale, location and *design* of *car parking* and *driveways*
- provision of car parking PPCA36
- requiring the retention of trees and/or other *vegetation*
- requiring mitigation measures in relation to vehicle noise and lights
- requiring mitigation measures in relation to pedestrian, cyclist and motor vehicle occupant **safety**
- requiring provision of a *landscape treatment plan* and its implementation within a specified time
- limiting the hours of operation
- limiting the duration of the activity
- the imposition of a charge to cover costs of monitoring the activity
- accordance with the *Plan*
- the imposition of a *bond* to cover satisfaction of conditions of consent
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

Provided that, in the case of *Controlled Activity* and *Limited Discretionary Activities*, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.

foothills environment

RULE 9

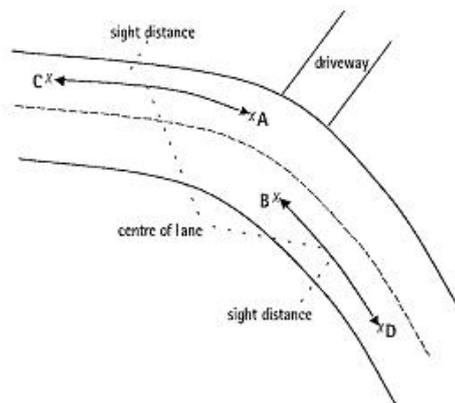
TRAFFIC GENERATION, ACCESS & CAR PARKING

*Operating speed = 85th percentile speed on frontage road. This can be taken as the speed limit plus 15% if survey data is not available.

**Distances are based on the Approach Sight Distance and Safe Intersection Sight Distance tables in NAASRA, Intersections at grade [1] assuming reaction times of 1.5 seconds on local roads with operating speeds up to 60 km/h and 2.0 seconds for all other speeds and all collector and arterial roads.

The sight distances recommended in Table 2 are the stopping distances for vehicles on the frontage road. They should be measured along the centre of the appropriate lane as indicated by the lines AC and BD in Figure 1. For practical purposes, A and B can be taken as opposite the centre of the driveway.

Figure 1: Sight distance measurement



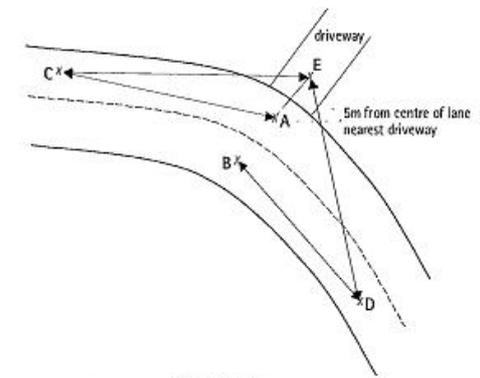
There should be clear lines of sight from driver's eye height to driver's eye height, i.e. 1.15 metres above ground level, along the lines detailed below and shown in Figure 2.

- Lines AC and BD – All driveways, all roads.
- Lines EC and ED (no obstructions, parked vehicles not excluded) – Low volume driveway, arterial road in rural area.

RULE 9

TRAFFIC GENERATION, ACCESS & CAR PARKING

Figure 2: Clear lines of sight



Points A, B, C and D are as shown in Figure 1, with Points C and D established by measuring the sight distance from Table 2 along the centre of the appropriate lane from points A and B.

Or

9.1 d Activities meeting the following Performance Standard are *Permitted Activities*:

Non-Residential Activities having traffic generation not exceeding 20 *vehicle movements* each day.

9.2 Controlled Activities

Activities meeting the following Performance Standard are *Controlled Activities*:

- (i) *Filming Activities* not meeting the sight line requirements in Rule 9.1c) and which do not involve the construction of any *buildings*;

Assessment of *Controlled Activity* applications made under this rule will be limited to matters of duration, scale, **safety**, hours of operation and the number of *vehicle movements* and will be considered in accordance with the matters set out in Assessment Criteria 9(a)-9(f)

9.3 Limited Discretionary Activities

Activities meeting the following Performance Standard are *Limited Discretionary Activities*:

- (i) *Non-Residential Activities* (except for those permitted in Rule 9.1) having:
 - (a) traffic generation not exceeding 50 *vehicle movements* per day or twice the number of vehicle movements specified for the

foothills environment

RULE 9

TRAFFIC GENERATION, ACCESS & CAR PARKING

respective activity under Table 1, whichever is greater; and/or

- (b) not meeting the sight line standards under 9.1c) Table 2.
- (ii) The *development of buildings* within the *Oratia Rural Village Non-Residential Activity Overlay* (refer Rule 8B of the *Foothills Environment*); or
- (iii) *Non-residential activities* (except for those permitted in Rule 9.1) provided that *retail sales* are limited to those activities in Rule 8A.3 of the *Foothills Environment*.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to matters of number of *car parks*, *design* and location of *car parking*, retention of *vegetation*, location and *design* of *driveways*, safety of vehicles access, *road* safety and capacity, duration, hours of operation, *screening*, *landscape treatment* scale, and *intensity* and will be considered in accordance with Assessment Criteria 9(a)-9(f).

- (iv) Markets provided for in the Rule 8A.1(a)(iii) of the *Foothills Environment*.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to the approval of a Traffic Management Plan and will be considered in accordance with the matters set out in Assessment Criteria 9(g).

9.4 Discretionary Activities

Activities meeting the following Performance Standard are *Discretionary Activities*:

- *Non-Residential Activities* not meeting the standards in Rule 9.1, 9.2 or 9.3.

Discretionary Activity applications made under this rule will be assessed having regard to Assessment Criteria 9(a)-9(g) and any other matters that are relevant under section 104 of the *Act*.

RULE 10

NOISE

RULES

10.0 General

The following rules apply to any *Non-Residential Activity* except *rural activities*.

10.1 Permitted Activities

Activities meeting the following Performance Standard are *Permitted Activities*:

- (i) *Non-Residential Activities* meeting the noise standards set out in the following table as measured at any part of a *site* (other than the *site* on which the activity is situated) within the *Foothills Environment, Countryside Environment, Living Environment, Waitakere Ranges Environment, Bush Living Environment* and *Rural Villages Environment*; or
- (ii) *Non-Residential Activities* within the *Oratia Rural Village Non-Residential Activity Overlay Area* meeting the noise standards set out in the following table measured in accordance with NZS 6801:1999 Acoustics - Measurement of Sound and NZS 6802:1999 Acoustics - Assessment of Environmental Sound from a notional boundary within 20 metres of an existing dwelling on a *site* (other than the *site* on which the activity is situated) within the *Foothills Environment, Living Environment, Waitakere Ranges Environment, and Bush Living Environment*.

ASSESSMENT CRITERIA

10(a)

The extent to which the background noise level (L95) in the vicinity of the subject *site* affects the relevance of noise standards for *Permitted Activities*.

10(b)

The extent to which noise generated will exceed the existing background level.

10(c)

The extent to which the noise generated will meet the provisions of New Zealand Standard NZS 6802 : 1999 Acoustics - Assessment of Environmental Sound.

10(d)

The extent to which adequate noise buffers are provided between the activity and residential and other noise sensitive activities on other *sites*.

10(e)

The extent to which more than minor adverse *effects* on the *environment* can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the *site* and/or through payment or provision of a *financial contribution*.

10(f)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.

Note: See also Policies 10.2, 10.15, 10.27, 11.13, 5B.1, 5B.3

(Policy Section of the Waitakere District Plan)

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices. (NZS 6805

foothills environment

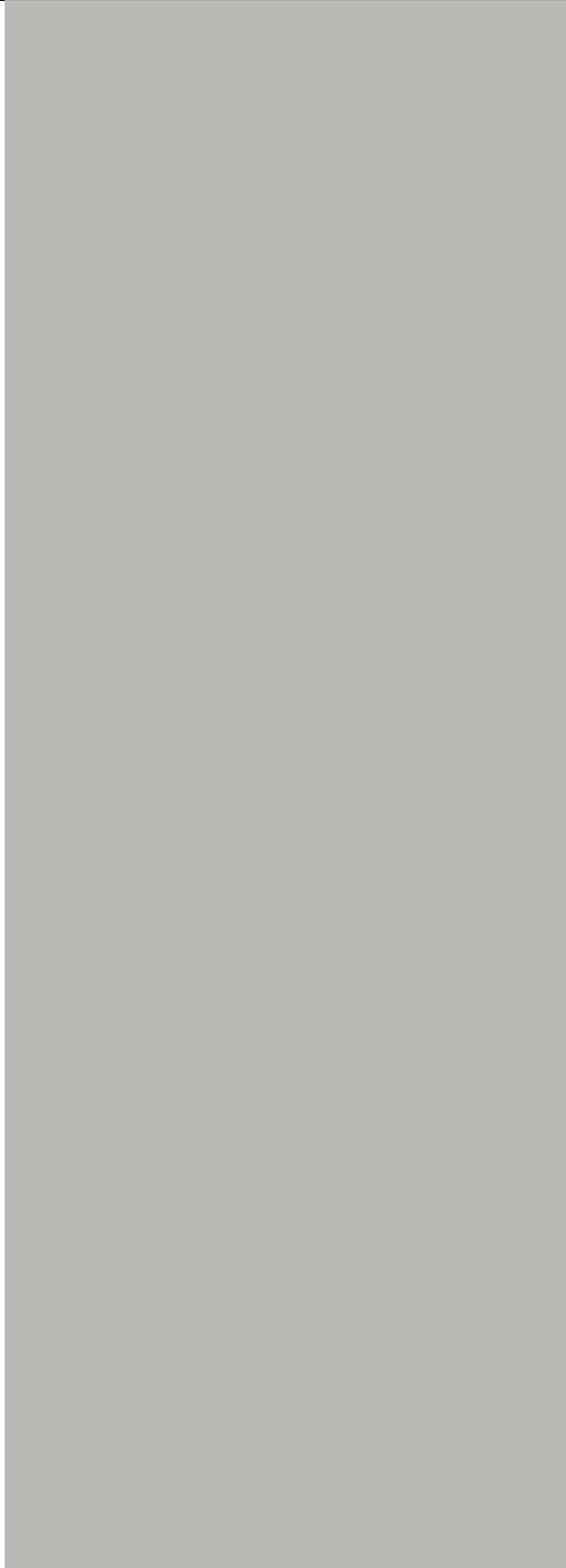
RULE 10 **NOISE**

7.00am-7.00pm Monday-Saturday		7.00pm-10.00pm Monday-Saturday 7.00am-10.00pm Sundays & Public Holidays		10.00pm-7.00am	
L ₁₀ 50dBA	L _{Max} N/A	L ₁₀ 45dBA	L _{Max} N/A	L ₁₀ 40dBA	L _{Max} 70dBA

10.2 Discretionary Activities

Activities meeting the following performance standards are *Discretionary Activities*:

Any *Non-Residential Activity* not meeting the standards on Rule 10.1 *Discretionary Activity* applications made under this rule will be assessed in accordance with Assessment Criteria 10(a)-10(e) and any other matters which are relevant under Section 104 of the *Act*.



RULE 11

AIR DISCHARGES, ODOUR, DUST, GLARE & VIBRATION

RULES

11.0 General

The following rules apply to *Non-Residential Activities*, any *Temporary Activity* and *Any Activity* producing artificial light or involving processes listed in the Air Discharges Appendix.

11.1 Permitted Activities

Activities meeting the following Performance Standards are *Permitted Activities*:

- (a) *Any Activity* and *Temporary Activities* generating vibration levels (acceleration measured in metres per second squared) relative to frequency not exceeding the base curve of figure 2a (z axis), 3a (x and y axes) and 4a (combined x,y, and z axes) contained within ISO 2631-2:1989.

Assessment of vibration shall be carried out by a suitably qualified and experienced person in accordance with Annex A and Table 2 of ISO 2631-2:1989. Instruments used to measure vibrations and the methods of measurement shall comply with a recognised standard such as Australian Standard AS2973: 1987 “Vibration and Shock - Human response vibration-measuring instrumentation.”

- (b) *Any Activity* and *Temporary Activities* that do not involve a Part A, B or C process as listed in the Air Quality Appendix.
- (c) *Any Activity* and *Temporary Activities* emitting artificial outdoor lighting which:

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices. (NZS 6805 is available)
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
7. Relevant air discharge, vibration, lighting and *dust* standards will be consulted when considering any *resource consent* application.

ASSESSMENT CRITERIA

11(a)

The extent to which glare from outdoor lighting fixtures causes discomfort to any person, detracts from residents’ ability to sleep or degrades the level of **visual amenity** and the dark night-time sky environment.

11(b)

The extent to which outdoor lighting (including security lights) should be so selected, located, aimed, adjusted, *designed* and *screened* to ensure that:

- glare from the light is not directed into *adjoining sites*, yards, or windows
- glare is not aimed in a random direction
- reflective glare is controlled to the extent that this is practicable.

11(c)

The extent to which odour, *dust* or vibration from an activity is or is likely to be noxious, dangerous, offensive or objectionable, due to its frequency, intensity (odour), quantity (*dust*), duration, location or nature (or a combination of these factors) to such an extent that it has, or is likely to have, an adverse *effect* on the *environment*.

11(d)

The extent to which activities involving air discharges have the potential to affect health, **safety** or *amenity*.

11(e)

The extent to which more than minor adverse *effects* can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the *site* and/or through payment or provision of a *financial contribution*.

11(f)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.

Note: See also Policies 10.1, 10.3, 10.10, 10.27, 5B.1, 5B.3

(Policy Section of the Waitakere District Plan)

RULE 11

AIR DISCHARGES, ODOUR, DUST, GLARE & VIBRATION

- (i) have not more than 10 lux spill (horizontal and vertical) of light as measured at the *site boundary* of any *adjoining site*; and
- (ii) is shielded in such a manner that light emitted by the fixture is projected below a horizontal plane running through the lowest point on the fixture, where light is emitted or is shielded in such a manner that the lower edge of the shield is at or below the centre line of the light source; and
- (iii) complies with AS/NZS 1158 (1996); and
- (iv) for illuminated *signs*:
 - does not produce more than 600 candelas per square metre for *sign areas* less than 10m² and not more than 400 candelas per square metre for *sign areas* equal to or greater than 10m²;
 - with the exception of neon *signs*, the light source used to light any *sign* shall not be visible from an *adjoining site* including all *roads*.

(See diagram 11A)

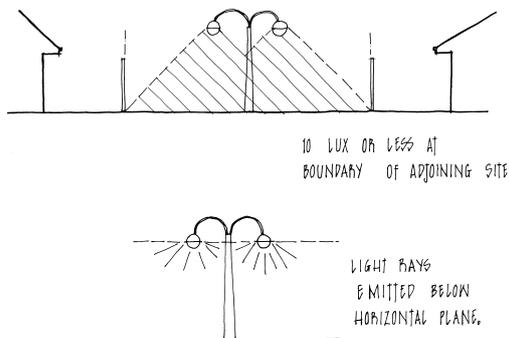


Diagram 11A

11.2 Limited Discretionary Activities

Activities meeting the following Performance Standard are *Limited Discretionary Activities*:

- *Any Activity* and *Temporary Activities* with lighting exceeding 10 lux spill up to an additional 15 lux otherwise meeting the standards in Rule 11.1(c), (i), (ii) and (iii).

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to the matters of intensity, location, duration and

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. The conditions may include one or more of the following matters:

- limiting the emission of odour, *dust* or vibration
- limiting the scale of any activity involving an air discharge
- limiting lux intensity and lux spill
- limiting hours of operation
- requiring mitigation measures to reduce adverse *effects*
- requiring provision of *screening* and/or *planting*
- limiting the hours of operation of an activity
- the imposition of a charge to cover the costs of monitoring the activity
- requiring a *financial contribution* in accordance with the *Plan*
- the imposition of a *bond* to cover satisfaction of conditions of consent
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

Provided that, in the case of *Limited Discretionary Activities*, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.

RULE 11

AIR DISCHARGES, ODOUR, DUST, GLARE & VIBRATION

direction of lighting, and will be considered in accordance with Assessment Criteria 11(a)-11(b).

11.3 Discretionary Activities

Activities meeting the following Performance Standard are *Discretionary Activities*:

- *Any Activity* and *Temporary Activities* not meeting the requirements of Rules 11.1(a) or 11.1(b) or 11.1(c) and which do not involve a Part A or B process as listed in the Air Discharges Appendix.

Discretionary Activity applications made under this rule will be assessed having regard, as relevant, to Assessment Criteria 11(a)-11(f), and any other matters which are relevant under section 104 of the *Act*.

11.4 Non-Complying Activities

Any Activity and any *Temporary Activity* to which these rules apply and any *Temporary Activities* which are not a *Permitted Activity* or a *Limited Discretionary Activity* or a *Discretionary Activity* under the above rules shall be deemed to contravene a rule in this *Plan* and shall be a *Non-Complying Activity*.

RULE 12 **SIGNS**

RULES

12.0 General

The following rules apply to *Any Activity* and *Temporary Activities* involving the erection of *signs*.

12.1 Permitted Activities

Activities meeting the following Performance Standards are *Permitted Activities*:

- (a) *Any Activity* and *Temporary Activities* with a *sign* where the *maximum sign area* does not exceed 0.3m² and the *sign* is not illuminated, flashing or moving and is located on the *site* to which the *sign* relates; or
- (b) Any *non-residential activity* that is a *permitted activity* in Rule 8A.1 of the *Foothills Environment* (except *home occupations*) where:
 - (i) the *maximum sign area* does not exceed 1.0m²;
 - (ii) the maximum *sign* height of 2.5 metres;
 - (iii) the *sign* is not illuminated, flashing or moving; and
 - (iv) the sign is located within the *site* to which the *sign* relates; or
- (c) Any *non-residential activity* within the *Oratia Rural Village Non-Residential Activity Overlay* (refer Rule 8B of the *Foothills Environment*) where

ASSESSMENT CRITERIA

12(a)

The extent to which *signs* are visually appropriate to **amenity values** and **neighbourhood character**.

12(b)

The extent to which *signs* create a situation hazardous to the safe movement of traffic.

12(c)

The extent to which *signs* are of a *height* which avoids the *sign* dominating the neighbourhood and nearby structures.

12(d)

The extent to which more than minor adverse *effects* can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the *site* and/or through payment or provision of a *financial contribution*.

12(e)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.

Note: See also Policies 10.3, 10.27, 11.8, 11.11, 5B.1, 5B.3, 5B.4

(Policy Section of the Waitakere District Plan)

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area* Rules, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
7. Where a proposed *sign* may affect the **safety** and efficiency of a State Highway or motorway, comments may be invited from Transit New Zealand regarding the **safety** of *road* users.
8. If an activity is not controlled or restricted on any way by any part of the *Plan* it is permitted (subject to meeting all other legislation/Plans).

RULE 12

SIGNS

- (i) the *maximum sign area* attached to each *building* does not exceed 1.5m² for each activity; and
- (ii) free standing *signs* are limited to one for each of Areas 1, 2 and 3 identified on the *Oratia Rural Village Non-Residential Activity Overlay* and has a *maximum sign area* of 1.5 m² and has a maximum height of 2.5 metres;
- (iii) the *sign* is not illuminated, flashing or moving; and
- (iv) is located in the *site* to which the *sign* relates; or

(d) *temporary signs*.

12.2 Limited Discretionary Activities

Activities meeting the following Performance Standard are *Limited Discretionary Activities*:

- *Any Activity* and *Temporary Activities* with a *non-residential sign* not being a *permitted activity*, (including *signs* associated with a *home occupation* meeting the standards of Rule 8.1), where the *sign* is located on the *site* to which it relates, has a *maximum sign area* of 1.5m², a maximum height of 2.5 metres, and is not flashing or moving; and
- *Any Activity* and *Temporary Activities* with a *residential sign*, not being a *permitted activity*, where the *sign* is located on the *site* to which it relates and has a *maximum sign area* of 0.5m².

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to matters of *design*, scale, location and **safety** and will be considered in accordance with Assessment Criteria 12(a)-12(e).

12.3 Discretionary Activities

Activities meeting the following Performance Standard are *Discretionary Activities*:

- *Any Activity* and *Temporary Activities* with a *sign* not meeting the standards in Rule 12.1 or 12.2.

Discretionary Activity applications made under this rule will be assessed having regard, as relevant, to Assessment Criteria 12(a)-12(e) and any other matters that are relevant under Section 104 of the *Act*.

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. The conditions may include any one or more of the following matters:

- altering the scale, *height*, shape and/or location of *signs*
- specifying the *design* and wording of *signs*
- *financial contributions* in accordance with the *Plan*
- the imposition of a *bond* to ensure satisfaction of conditions of consent
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

Provided that, in the case of *Limited Discretionary Activities*, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.

RULE 13

RELOCATED BUILDINGS

RULES

13.0 General

The following rules apply to *Any Activity* involving *relocated buildings*.

13.1 Limited Discretionary Activities

Activities meeting the following Performance Standard are *Limited Discretionary Activities*:

- *Any Activity* involving the *relocation* of a *building* onto a *site*.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to matters of *design*, retention of *vegetation*, location, *screening* and *landscape treatment* and will be considered in accordance with Assessment Criteria 13(a)-13(ed).

ASSESSMENT CRITERIA

13(a)

The extent to which *development* involving *relocated buildings* is of a *design* and location on the *site* which is compatible with the *design* of housing on the same *site* and on *adjoining sites*.

13(b)

The extent to which *development* of *relocated buildings* detracts from **visual amenity** or **neighbourhood character**.

13(c)

The extent to which more than minor adverse *effects* can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the *site* and/or through payment or provision of a *financial contribution*.

13(d)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.

Note: See also Policies 10.27, 11.3, 11.8, 5B.1, 5B.3

(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. The conditions may include any one or more of the following matters:

- requiring alterations to the *building design* and/or *building* location on the *site*
- requiring the retention of *trees* and/or *vegetation*
- requiring provision of a *landscape treatment* plan and its implementation within a given time
- requiring *financial contributions* in accordance with the *Plan*
- the imposition of a *bond* to cover satisfaction of conditions of consent
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area* Rules, the *City-Wide Rules* and, where relevant, the *Subdivision* Rules.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

RULE 13

RELOCATED BUILDINGS

Provided that, in the case of *Limited Discretionary Activities*, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.

RULES

14.0 General

The following rules shall apply to *Any Activity* involving the erection or provision of *infrastructure*.

14.1 Permitted Activities

Activities meeting the following Performance Standards are *Permitted Activities*:

- (a) the *upgrading* of *infrastructure* which is a *Permitted Activity* or has received a *resource consent* in respect of any of the relevant rules of the *Plan* relating to:
 - the General Noise Standards within the *City Wide Rules*
 - the *Heritage Rules*
 - the *Natural Area* within which the *site* is located
 - the odour, glare, *dust*, vibration and air discharges, *hazardous facilities* and *signs* Rules applying to the *Human Environment* within which the *site* is located.

Note: The above rule shall not compromise the ability of the *Council* or any other person to pursue action relating to adverse *effects* on the *environment*. (See sections 16 and 17 of the *Act*).

NOTES
1. If an activity is not controlled or restricted in any way by any part of the <i>Plan</i> it is permitted, but may require consents under other legislation/plans.
2. Applicants intending to build within 20m of a transmission line or within 4m of any other electric line are advised to consult with the owner of that line.
3. <i>Upgrading</i> which meets the <i>Permitted Activity</i> standards, is not subject to most of the <i>Human Environment Rules</i> in the <i>District Plan</i> .
4. Activities must comply with all other relevant rules of the <i>Plan</i> or be the subject of a resource consent. Check all other rules in this <i>Human Environment</i> and also the <i>Natural Area Rules</i> , the <i>City-Wide Rules</i> and, where relevant, the <i>Subdivision Rules</i> .
5. Words in italics are defined - see the <i>Definitions</i> part of the <i>City-Wide Rules</i> .
6. Words in bold are explained - see the <i>Explanations</i> part of the <i>Introduction to the Rules</i> .
7. The <i>Council</i> may have a guideline to help interpret this rule - check at the <i>Council Offices</i> .
8. For resource consents see the <i>Information Requirements</i> in the <i>City-Wide Rules</i> .
9. Criteria relating to engineering matters can be met by satisfying standards in the <i>Waitakere City Code of Practice</i> - check with the <i>Council</i> .

ASSESSMENT CRITERIA

14(a)

The extent to which *infrastructure* or *connection height* or bulk adversely affects the **amenity values** and **neighbourhood character**.

14(b)

The extent to which *infrastructure* or *connection height* or bulk **physically dominates** *adjoining sites*.

14(c)

The extent to which *infrastructure* or *connection height* or bulk intrudes into the **privacy** of *adjoining sites*.

14(d)

The extent to which *infrastructure* or *connection height* or bulk avoids, where possible, interruption of **views** from *sites* in the vicinity.

14(e)

The extent to which the scale and *design* of the *infrastructure* or *connection* proposed complements **amenity values** and **neighbourhood character**.

14(f)

the extent to which *buildings* and *development* make provision for *infrastructure* to serve the needs of the *site*.

14(g)

The extent to which provision is maintained to provide for the *planting* of lawns and trees around the *infrastructure* or *connection*.

14(h)

The extent to which the *infrastructure* or *connection* is located in a position which allows for safe traffic movement on the *road*, and *car parking* and manoeuvring off the *road*.

14(i)

The extent to which the *infrastructure* or *connection* is *constructed* and will be maintained in such a manner as not to adversely affect the health, **safety** and wellbeing of any person.

14(j)

The extent to which *infrastructure* or *connection* are placed to avoid important *natural features* such as existing *vegetation*.

RULE 14

INFRASTRUCTURE

(b) *Any Activity* involving *infrastructure* which:

(i) is an above-ground sewage, stormwater or water pipe and

-has a *height* not exceeding 1.0 metre above *ground level*; and

-a diameter not exceeding 300mm; and

-extends for an above-ground distance not exceeding 25.0 metres at any one place;

(ii) is any other *infrastructure* which has a *height* not exceeding 1.5 metres above *ground level* and covers an above ground area not exceeding 2m² provided that this rule shall not allow:

-any stormwater pipe or wastewater pipe not operated by a *network utility operator* or otherwise not covered by clause (c) below

-high pressure gaslines with a gauge pressure of more than 2000kPa

-*lines* and associated *structures* conveying electricity with a voltage over 110kV and a capacity exceeding 100MVA.

(c) *Connections*, provided that the *connection* is provided in accordance with any *network utility operator* requirements; and,

(i) where the *connection* involves any *line* or pipe, the *line* or pipe is located underground, or

(ii) where the *connection* involves any above ground *line*, the *connection* is an additional *connection* to an existing *building* which is already supplied from an above ground *line*.

Provided that this rule shall not allow:

- *connections* involving high pressure gaslines with a gauge pressure of more than 2000 kPa
- *connections* involving *lines* and associated *structures* conveying electricity with a voltage over 110kV and a capacity exceeding 100MVA
- *connections* that have an above ground *height* of more than 12.0 metres, except as provided for by clause c(ii) above.

14(k)

The extent to which the *design* and capacity of the *wastewater treatment and disposal system* takes into account any relevant feature of the catchment, including likely future *development*.

14(l)

The extent to which the *design* and location of the *wastewater treatment and disposal system*:

- ensure sufficient capacity and treatment to provide for the safe and efficient disposal of wastewater to be generated by *development* likely on the *site*, having particular regard to human health and water quality.
- ensure adequate measures to avoid leakage, entry of stormwater and penetration of roots to any piped system.
- achieve a sufficient standard and compatibility with existing *wastewater treatment and disposal systems* to minimise maintenance costs.
- ensure there are no more than minor adverse *effects* on other *infrastructure* or *connection* or potential or likely *buildings*.

14(m)

The extent to which the *design* of water supply systems:

- ensures sufficient capacity to provide water to potential *development* within the *site* and to any further *development* which may occur outside the *site*.
- ensures sufficient capacity for fire fighting, including provision of fire hydrants.
- is of a sufficient standard and compatibility with the *public water supply system* to minimise maintenance costs.
- ensures there are no more than minor adverse *effects* on any *infrastructure* or *connection*.
- ensures sufficient water quality and water pressure is available for likely needs.
- provides for water metering
- is watertight.

14.2 Controlled Activities

Activities meeting the following Performance Standards are *Controlled Activities*:

- *Any Activity* involving *infrastructure* not meeting the standards specified in Rule 14.1 where the activity has a *height* not exceeding 2.5 metres above *ground level* and covers an above ground area not exceeding 6m², provided that this rule shall not allow:
 - (i) any stormwater pipe or wastewater pipe not operated by a *network utility operator*
 - (ii) high pressure gaslines with a gauge pressure of more than 2000kPa
 - (iii) *lines* and associated *structures* conveying electricity with a voltage over 110kV and a capacity exceeding 100MVA.

Assessment of *Controlled Activity* applications made under this rule will be limited to the matters of *design*, capacity, *construction*, location, health and **safety** and will be considered in accordance with Assessment Criteria 14(a)-14(~~tu~~).

14.3 Limited Discretionary Activities

Activities meeting the following Performance Standards are *Limited Discretionary Activities*.

- *Any Activity* involving *lines* and associated *structures* not meeting the standards specified in Rules 14.1 or 14.2 where the activity has a *height* not exceeding 12.0 metres above ground level and covers an above ground area not exceeding 6m², provided that this rule shall not allow *lines* and associated *structures* conveying electricity with a voltage over 110kV and a capacity exceeding 100MVA.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to matters of *design*, *construction*, location, health and safety and will be considered in accordance with Assessment Criteria 14(a)-14(~~tu~~).

14.4 Discretionary Activities

Activities meeting the following performance standard are *Discretionary Activities*:

- *Any activity* involving *infrastructure* or *connections* not meeting the standards specified in Rules 14.1 or 14.2, provided

14(n)

The extent to which the *stormwater treatment and disposal system* has regard to the requirements of any comprehensive *catchment resource consent* issued by the Auckland Regional Council.

14(o)

The extent to which the *stormwater treatment and disposal system* is *designed* having regard to the natural upstream *catchment* area, including likely future *development* and any adverse *effects* it may have on the downstream system.

14(p)

The extent to which the *design* and location of the *stormwater treatment and disposal system*:

- ensure maintenance of water quality in receiving natural waters, including treatment where necessary to provide for removal of *contaminants*
- ensure sufficient capacity to provide for the safe and efficient disposal of stormwater from the *site* and any likely future *development*
- ensure adequate measures are taken to screen out litter, silt and other contamination
- achieve a sufficient standard and compatibility with any existing *stormwater treatment and disposal system* to minimise maintenance costs
- ensure no more than minor adverse *effects* on any other *infrastructure* or *connection* of likely *building development*
- provide for stormwater disposal from all of the *land* within the *site*
- ensure that *development* will not contribute to flooding downstream of the *site*.

14(q)

The extent to which there has been consideration given to the use of ponds and open natural waterway systems for stormwater disposal, having regard to the capability of the natural waterway system to efficiently accommodate the stormwater generated by the activity, in a manner which allows for adequate long term maintenance and with no

RULE 14

INFRASTRUCTURE

that no new *infrastructure* having a *height* exceeding 10.0 metres may be located on a *sensitive ridgeline*, headland, cliff or scarp.

Discretionary Activity applications will be assessed having regard to Assessment Criteria 14(a)-14(tu) and any other matters that are relevant under Section 104 of the *Act*.

14.5 Non-Complying Activities

Any Activity to which these rules apply which is not a *Permitted Activity* or a *Controlled Activity* or a *Discretionary Activity* shall be deemed to contravene a Rule in the *Plan* and shall be a *Non-Complying Activity*.

more than minor adverse *effects* on natural water or downstream systems.

14(r)

The extent to which any *infrastructure* or *connection* is located and *constructed* to minimise the need for maintenance, allow for access and avoid impacts on other *infrastructure* or *connection*.

14(s)

The extent to which the *design* and location of *infrastructure* or *connection* adversely affect the **mauri** of water.

14(t)

The extent to which more than minor adverse *effects* can be adequately avoided, remedied, mitigated or offset through provision of works and service on or off the *site* and/or through payment or provision of a *financial contribution*.

14(u)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.

Note: See also Policies 1.14, 2.12, 3.5, 10.1, 10.9, 10.17, 10.18, 10.27, 11.4, 11.7, 5B.1, 5B.3

(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. Conditions may include any one or all of the following matters;

- limiting the *height* and/or scale and/or location and/or bulk of the *infrastructure* or *connection*
- requiring provision of *screening* and/or *planting*
- specifying *design* parameters to be used in the construction of the *infrastructure* or *connection*
- the imposition of a charge to cover costs of monitoring the activity
- requiring the retention of trees and/or other *vegetation*
- requiring the imposition of a *bond* to cover satisfaction of conditions of consent

- requiring *financial contributions* in accordance with the *Plan*
- specifying the location of the *infrastructure* or *connection*
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*